



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 26, 2006, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Xavier Garcia*
Councilman Bob Best
Councilman Paul C. Dotson
Councilman Rob Youngs

(*arrived at 7:08 p.m.)

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
City Planner Richard E. Ventura
Interim Public Services Director Robert Williams
Deputy City Clerk Suzanne Hitaffer

2. Invocation: Councilman Youngs offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Status Report by Curtiss Mansion, Inc. President Jo Ellen Morgan Phillips

Curtiss Mansion, Inc. President Jo Ellen Morgan Phillips of 372 De Leon Drive stated that after the Community Workshop, all the suggestions from the community were taken to Architect Richard Heisenbottle who would give a presentation of how he incorporated the suggestions.

Ms. Morgan Phillips recognized the CMI Board members who were present in the audience. She said that Council approval is needed in order to be able to take the design to the next stage and hold the ground breaking ceremony on August 23rd, which is the City's 80th birthday.

Richard Heisenbottle, President of R. J. Heisenbottle Architects, said that changes were made to the original plan that will make the Curtiss Mansion more flexible and allow more opportunity for use. He explained that the original living room would be used as a conference and seminar room with historical details. Another seminar room is included for corporate functions and there is an open courtyard seating for approximately 125 persons, which is supported by a catering kitchen and education and exhibition space.

Mr. Heisenbottle explained that an elevator would be provided to allow handicap accessibility to the second floor of the building and there is space provided for offices, an exhibition gallery, an open air living room, archive space, and a bridal room.

Councilman Dotson inquired if the modifications would change the amount of funds needed to complete the renovation project.

Mr. Heisenbottle stated that he did not feel that the changes would affect the funding or the completion of the project. He added that there would be a new cost estimate after the working drawings are finished.

Ms. Morgan Phillips said that construction prices had increased since the hurricanes last year. She added that the changes are not elaborate and they would allow more flexibility for the use of the building.

To answer Mayor Bain's question, Ms. Morgan Phillips explained that Council approval is required so that the Architect could develop more detailed plans.

Mr. Heisenbottle requested approval in order to move into the construction document phase of the project. He said that the exterior of the building would be restored to the way it was when Mr. Curtiss lived there.

Councilman Dotson asked if there would be any major variances from the original home.

Ms. Morgan Phillips stated that there are no major variances and the footprint as it stands is very similar to the way it was when Mr. Curtiss was alive.

Councilman Youngs asked for an estimate of the total cost of the restoration project and the funding sources.

Ms. Morgan Phillips explained that the project consists of several phases. The outside shell of the building is estimated to cost \$2.5MM and originally the entire project, including the grounds, was estimated to cost \$10MM. The primary goal is to secure the structure and protect it from the weather.

To answer Councilman Youngs' question, Ms. Morgan Phillips stated that \$1MM is allocated from the County General Obligation Bonds and another \$1MM is forthcoming from the Florida Department of Transportation/Metropolitan Planning Organization. She added that CMI Board Member Patricia Borez is working to locate additional grants and \$3MM was requested from Senator Nelson's allocation.

Vice Mayor Garcia moved to approve the plans as presented and Councilman Best seconded the motion, which was carried unanimously on roll call vote.

4. Open Forum:

Golf and Country Club

Hank Flowers of 180 Navajo Street stated that the new management model at the Country Club does not accommodate the residents who do not play golf, especially on Friday nights. He alleged that on a recent Friday night there was no food, no room to dance or sit and the second room was not open.

Mr. Flowers said that the tax payer's dollars were spent on the Country Club facility and it should be available for everyone's use.

Councilman Dotson was of the opinion that Mr. Santana should provide space and food for people who want to dance and listen to Karaoke because it would be in his best interest to continue to serve everyone as well as possible in order to generate more banquets. He suggested that City Manager Borgmann could speak with Mr. Santana to ask for his cooperation.

Councilman Best asked if the contract with Mr. Santana provided for use of the facility by the citizens.

City Manager Borgmann stated that Mr. Santana is supposed to provide activities that would benefit the residents and the City. He said that there have been problems with providing food after 6:00 p.m. and Mr. Santana has agreed to remain open and serve food as long as the bar is open, effective July 4, 2006.

Councilman Youngs clarified that the decision to approve the contract with Carlos Santana was the major restructuring of the operation that could allow it to break even, which is beneficial to the financial security of the City. He thanked Mr. Flowers for his input and said that some adjustments could be made.

Vice Mayor Garcia stated that the attendance on Friday nights is not always consistent to justify the cost of opening another room and providing additional staff. He agreed that Mr. Santana should be serving food.

Mayor Bain stated that Mr. Santana has a good relationship with the Administration and hopefully they can come to an agreement that will solve the problem for the residents.

Miami Springs Historical Museum

Yvonne Shonberger of 85 Deer Run stated that she appreciated the cooperation of Council and the Administration for the support of the Miami Springs Historical Museum. She said that there is not any space available on the first floor of any storefronts in the Downtown Business area that would be appropriate for a temporary location for the museum and that everything would be packed within three weeks and moved into storage.

Ms. Shonberger informed Council that as soon as an appropriate location for the museum is found that she would request approval for the City to pay for the rent and utilities.

Councilman Youngs asked if Council would agree to give the City Manager the authority to provide assistance with the moving and storage of the museum contents.

Councilman Dotson asked the City Manager if he knows of any locations or storage areas.

Mr. Borgmann stated that the focus has been to find a home for the museum in order to avoid the extra work that would be involved in moving to a temporary storage area; however, there are many mini-warehouses that could be used for storage, including the one on N. W. 36th Street in Virginia Gardens.

Councilman Best suggested that Lowell Dunn might have some property that could work for this situation and the City Manager said that he is only aware of vacant land owned by Mr. Dunn.

Ms. Shonberger stated that the Historical Society has available storage space but they are depending on the City for support to help fund a permanent location.

Councilman Dotson suggested that consideration could be given to providing funds for the museum during the budget process for next fiscal year.

City Manager Borgmann said that the City of Hialeah had offered space for the museum that is located in Hialeah.

Mayor Bain felt that there would be Council consensus to help support the museum if they find a new location. He thanked Ms. Shonberger for her report.

5. Approval of Council Minutes:

5A) 06/12/2006 – Regular Meeting

Minutes of the June 12, 2006 Regular Meeting were **approved as written** on motion by Councilman Best, seconded by Councilman Youngs, and carried unanimously on roll call vote.

6. Reports from Boards & Commissions:

6A) 05/04/2006 – General Employees' Retirement System – Minutes

Minutes of the May 4, 2006 General Employees' Retirement System were received for information without comment.

6B) 05/04/2006 – Police Officers and Firefighters' Retirement System – Minutes

Minutes of the May 4, 2006 Police Officers and Firefighters' Retirement System meeting were received for information without comment.

6C) 06/08/2006 – Board of Parks and Parkways – Minutes

Minutes of the June 8, 2006 Board of Parks and Parkways meeting were received for information without comment.

6D) 06/15/2006 – Historic Preservation Board – Minutes

Minutes of the June 15, 2006 Historic Preservation Board meeting were received for information without comment.

6E) 06/20/2006 – Education Advisory Board – Minutes

Minutes of the June 20, 2006 Education Advisory Board meeting were received for information.

6F) 06/22/2006 – Code Review Board – Cancellation Notice

Cancellation Notice of the June 22, 2006 Code Review Board meeting was received for information without comment.

6G) 06/27/2006 – Ecology Board – Cancellation Notice

Cancellation Notice of the June 27, 2006 Ecology Board meeting was received for information without comment.

6H) 06/28/2006 – Board of Appeals – Rescheduling Notice

Rescheduling Notice of the June 28, 2006 Board of Appeals meeting was received for information without comment.

Mayor Bain said that he spoke with School Board Member Frank Bolaños at the High School Graduation and he would like Council to approve sending a formal letter to Mr. Bolaños requesting that State School “WWW” be assigned to Region 3 and support the efforts of the Education Advisory Board.

Councilman Youngs stated that School “WWW” is located in Region 1 and the original \$25MM to provide overcrowding relief for Miami Springs Senior High School is included in the construction cost. The School Board has now increased the capacity of the school from 1,600 to 1,900 student stations, added a gymnasium, cafeteria, and other amenities in order to make it a full service high school and the construction cost is approximately \$55MM. The majority of the students live in Hialeah but the school is no longer going to provide total relief for Miami Springs.

Councilman Youngs said that the Attendance Boundary Committee (ABC) process will determine the boundaries for School “WWW”. He explained that he has been on the ABC committee for two years and he will ask Mr. Bolaños to reappoint him so that he would have some influence. Each of the affected schools has their own ABC group and the boundaries will be decided within the next year.

Councilman Youngs reported that School Board member Greer has suggested that the School Board should have the software available to take in all the statistics for the schools, feeder patterns and students in order to be able to re-draw the boundaries.

Councilman Best said that Education Advisory Board member Cheryl Mulet made a good point when she asked where the excess students from Doral will attend school once Doral Ronald Reagan High School reaches its capacity of 2,000 students.

Councilman Youngs explained that the goal is for Miami Springs Senior High School to return to its capacity of 2,500 to 2,600 students. The prediction was that the enrollment would drop to 3,000 once the school returned to a single shift but that has not happened because the student capacity is now 3,400 because students have returned from private schools to Miami Springs. He added that setting the boundaries is going to require much skill and work over the next calendar year.

Mayor Bain said that School “WWW” was intended to provide overcrowding relief for Miami Springs and he will continue to pursue this issue with School Board member Bolaños.

Vice Mayor Garcia said that he supports the Mayor’s recommendation to draft a letter to Mr. Bolaños.

7. Public Hearings:

Council recessed to the Board of Appeals at 7:45 p.m.

The Council Meeting was reconvened at 8:15 p.m.

8. Consent Agenda: None

9. Old Business:

9A) Appointment to the Education Advisory Board by Councilman Youngs (Group IV) to Fill an Unexpired Term Ending on May 31, 2007 (Dorrene Cook’s seat)

Councilman Youngs **deferred** his appointment to the Education Advisory Board.

9B) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor’s seat)

Mayor Bain **deferred** his appointment to the Ecology Board.

9C) Second “First” Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-013, Fences, Landscaping, and Boundary Walls; by Establishing New Code Section 150-013, Residential Plantings, Fences, and Walls; Providing for Planting Provisions, Restrictions and Limitations for Front, Side and Rear Yards of Residential Properties; Delineating Fence and Wall Installation and Construction Provisions, Restrictions and Exclusions for Front, Side and Rear Yards of Residential Properties; Specifying Fence and Wall Materials and Locations for Front, Side, and Rear Yards of Residential Properties; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 6/12/2006)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden outlined the changes that were requested by Council at the last meeting as follows:

- A phrase was added to subsection (A) (2) that plantings beyond the depth of ten feet from the front property line are permitted to be six feet in height along the front yard side property lines and within ten feet thereof.
- Language was added to subsection (B) (2) that fences or walls located beyond the depth of ten feet from the front property line are permitted to be six feet in height along the front yard side property line or within ten feet thereof only.
- A phrase was added to subsection (C) (1) – Restricted Area – that front yard fences shall not exceed three and one-half feet in height in the front yard area for a depth of ten feet from the front property line. The same change was made in (C) (3) for boundary and decorative walls.

The following persons spoke regarding the proposed ordinance:

Jean Tucker of 272 Reinette Drive stated that she understands that the Code Compliance Officers have had a problem with enforcing the existing ordinance as it is written. She said that in regard to safety she is not aware of anyone who has been injured and she does not understand the reasoning for limiting front yard landscaping to 3-1/2 feet in the ten foot front yard setback. She added that vehicles such as vans, sport utility vehicles and trucks should also be prohibited because they obstruct the view of the sidewalk. Ms. Tucker felt that the proposed ordinance is too restrictive and it would limit the size and amount of landscaping that is allowed in the front yards.

Dona Kelley of 830 Swan Avenue said that she mourns the passing of the ambiance that characterizes the City of Miami Springs as a charming enclave that is distinct from other areas in the county since more land is being covered with oversized houses and paved yards. She said that it would not matter if there are uniform hedges and walls because it would block the view of what has been lost.

Joan Paul of 781 Plover Avenue stated that the advisory board committees, Administration and City Attorney had worked hard to review the hedge ordinance and the City should conduct a public workshop to get input from the residents. She suggested that non-conforming plantings, fences and boundary walls should be permitted if they are determined not to be a safety hazard or adversely impact views from sunlight or to the neighboring properties.

Ms. Paul said that when property owners are cited by Code Compliance that they should have the option to register their address at City Hall, along with a current photograph of the violation on the property, and they could be given a timeframe to ensure entitlement of non-conformity. The property owner would be liable for any mishaps resulting from non-conformity and the City of Miami Springs would be released from any responsibility.

Paul Rawls of 951 Oriole Avenue stated that the minutes from the last meeting indicate that Councilman Dotson drove throughout the City and saw so many different situations that it would not be humanly possible to address all of them, and he agrees. He suggested that a fact-finding workshop could be held and the Police Department could be commissioned to do a study to identify the safety issues and hold the homeowners liable for any accidents.

Mr. Rawls said that the law allows the conversion of single-family homes to assisted living facilities, there was a facility across the street from his house for three years, and the plants on his property blocked the view. He further expressed his opposition to the proposed ordinance and urged Council to consider different alternatives.

Gus Monge of 193 Corydon Drive said that he was concerned about the provision for a ten-foot setback because he does not have a sidewalk in front of his house and a large portion of his hedge would be affected. He felt that the residents should be able to continue to maintain their hedges the way they are because there are many other public safety issues that are more important. Mr. Monge said that property values in other cities are continuing to rise because the residents are allowed to make their property beautiful.

Councilman Youngs said that the City Code was designed to limit the height of front-yard fences, hedges and boundary walls to 3-1/2 feet in order to avoid the “canyon effect” and the burden is on Council to change what has historically been the design of the City.

To answer Councilman Youngs’ question, Jean Tucker clarified that she was concerned about limiting the height of plantings in the interior of the front yard, not the side yard.

City Attorney Seiden said that the proposed ordinance deals with plantings on the boundary lines in an area of ten-feet from the property line and the interior can have plantings up to six-feet high, except for the first ten-feet.

Mayor Bain stated that he drove through the City and the main concern is related to the circular driveway plantings that are more than 3-1/2 feet and the location of the property line for those properties that do not have sidewalks. He said that he would not vote on any ordinance that would affect 1170 Raven or 1280 Redbird.

Attorney Seiden explained that when the Code Compliance Officers were doing a sweep of the City one citizen brought photographs to Council dealing with properties that had plantings extending back from the front property lines that totally blocked visibility. The Code Review Board was given direction to review the ordinance in an attempt to solve the problem and the proposed ordinance is an extremely liberal version.

City Attorney Seiden said that the Code still provides for variances and the resident who complained about the assisted living facility has a case that would be appropriate for a variance. He explained that Council could decide to reduce the ten-foot perimeter but the committee felt it was more liberal to provide that distance. Some situations will never conform unless the 3-1/2 foot limitation is removed. He stressed the importance of having an ordinance to protect the beauty and residential character of the City.

Vice Mayor Garcia stated that the City has an ordinance in place, the residents could apply for a variance, but since privacy is not a hardship, it would not be approved. He was of the opinion that residents should be allowed to have their hedges as high as they want as long as there are no safety issues.

City Attorney Seiden clarified that the safety issues could not be addressed without an appropriate ordinance. The City could be sued by removing all safety precautions in regard to backing out of properties and allowing hedges to grow beyond a reasonable height if something were to happen. He felt that it is only common sense that if hedges are blocking the front and side view, the driver cannot see when backing out.

Vice Mayor Garcia suggested conducting research to see what municipalities have or do not have hedge restrictions, and what the restrictions are.

Attorney Seiden stated that Code Compliance Officer Ziadie obtained ordinances from other cities when the issue was first addressed.

Councilman Dotson was of the opinion that Council could not go forward with the way the proposed ordinance was drafted and the problem is that there was not enough citizen input. He said that there are different situations that should be addressed like the properties that do not have a sidewalk, the circular driveways and the interior plantings. He added that many properties have interior plantings more than 6-feet in height and some plantings are higher than the structure.

Councilman Dotson stated that Council must recognize and respect the desires and individualities that go along with living in Miami Springs. He believes that proper trimming and maintenance should be enforced and there are some safety concerns, especially along the sidewalks.

Councilman Dotson reiterated that more citizen input is needed and he would like to consider a workshop or Town Hall meeting that would allow the residents to express their opinions. He would rather have an ordinance that is more flexible.

Vice Mayor Garcia stated that every resident who had addressed the issue had expressed their opposition to every ordinance that was proposed and probably 100% of the residents who attend a workshop would also be opposed to an ordinance. He felt that the public, the Administration and the City Staff have the responsibility to convince Council and help them to make a decision.

The Mayor said that the City Attorney followed Council's direction from the last meeting and since that time, no one came forward with any input or information as to how the ordinance should be drafted. He explained that he worked hard and met with the City Attorney and Staff to work on the ordinance but there was no input as to how they should proceed.

Vice Mayor Garcia felt that he has enough information from the residents and City Staff in order to be able to make a decision.

Councilman Best felt that Miami Springs is unique and the geometries of the properties are very different. He was in agreement with Mayor Bain at the last meeting to liberalize the ordinance and since that time he received input from many citizens. Code Compliance should not be put into a position of judging particular plantings; therefore, this particular ordinance might be too stringent.

Councilman Best stated that he would like to open up the matter to a public forum before making a decision.

Councilman Youngs said that there is no consensus among Council or the community about how the ordinance should be written. He felt that a workshop or Town Hall meeting could build a consensus and reach a compromise that would address wishes of the property owners, the interests of the government, safety issues and aesthetics. He added that the City Council is charged with the health, safety and welfare of the residents.

Councilman Youngs was of the opinion that the Code Review Board's recommendation had not been given full credence and their proposal was discarded. He proposed having a presentation at the Town Hall meeting by the members of the Code Review Board.

Councilman Dotson added that he would also like the Board of Parks and Parkways members to give their input, which would be very valuable.

Councilman Youngs said that it would also be helpful to have the opinion of the Code Compliance Officers and the people who spoke to the Code Review Board.

Mayor Bain suggested that plantings and hedges should be addressed in a separate ordinance from fences and boundary walls.

Council **tabled** the ordinance for a third "first" reading and **scheduled** a Workshop Meeting for Wednesday, September 20, 2006 at 7:30 p.m.

9D) Discussion Regarding Code Section 150-002 – Definitions – (C) (38) *Floor Area - (c) Attic Space, whether or not a floor actually has been laid, providing structural headroom of less than seven feet six inches*

Councilman Dotson stated that when creating the district boundary regulations, the Mixed Use Business (MUB) district was used as a guide, and Council was going to review all the regulations. The exclusions were never considered when four items were added to the list.

City Attorney Seiden clarified that the exclusions were not part of the MUB district and they are only general definitions.

Councilman Dotson referred to (c) “*attic space, whether or not a floor has actually has been laid, providing structural headroom of less than seven feet, six inches*”. He said that seven feet, six inches is 6-inches less than the height from the floor to the ceiling in his house and this amount of space could be used for a conference room or something else if it is air conditioned.

Councilman Dotson said that he does not like changing the floor area ratio (FAR) by adding these provisions to the Zoning Code. He felt that it is not the proper procedure and he can understand the other exclusions like staircases and elevators.

Councilman Youngs suggested checking the floor area definitions in the Miami-Dade County Code and other cities. He would be reluctant to make a decision until he understands what effect it would have.

Mayor Bain asked if residential homes would be affected by removing the exclusion.

City Attorney Seiden stated that the definition of floor area would affect all commercial buildings. He suggested doing research to find the original ordinance.

Mayor Bain agreed that he would like more information about the exclusion for attic space and also to know when the ordinance was put into effect.

Vice Mayor Garcia said that it would be a violation of the Code to use attic space for a conference room.

City Planner Ventura stated that a suggestion was made at the last meeting to have a professional architect provide expert testimony as to the reason for the exclusions. He had asked Architect Ramon Valdes-Denis to attend the meeting; however, he was called out of town on an emergency and he offered to attend the next available meeting.

Council **requested** the Administration to research to find original minutes and the ordinance when it was adopted to include this provision and **tabled** the item until the next meeting.

9E) Discussion Regarding Water Rate Issues on Multi-unit Buildings

City Manager Borgmann stated that Finance Director William Alonso is on vacation and the only available information is his memorandum of April 21, 2006.

City Attorney Seiden explained that Finance Director Alonso developed the calculations, they worked together to revise the chart, and the new base fee is approximately \$7.00.

Councilman Dotson stated that the base charges could remain the same and the rate over 15,000 gallons could be changed.

City Manager Borgmann stated that a 22-unit apartment building was using 169,000 gallons a month, which is a significant amount.

Council **deferred** the item to the next meeting.

(9F and 9G were addressed simultaneously)

9F) Request that Council Approve Funding of Up to \$50,000 from the Designated Fund Balance for the Senior Center Generator (Discussed: 6/12/06)

City Manager Borgmann stated that comments were made at the last meeting about another vendor that could provide a better price, which turned out to be better on one generator and not on the other. He would like to table these items because consideration is being given to mobile generators as opposed to set generators at locations.

City Manager Borgmann said that he would provide recommendations at the July 10, 2006 Special Meeting based on mobile generators. He added that the Senior Center building could flood during heavy rains or storms and it would be better to be able to move the generator to a facility that can be used to provide service.

Council **tabled** the item until the July 10, 2006 Special Meeting.

9G) Request that Council Approve the Purchase of a 100KW Mobile Magnum Diesel Generator from Adams Electrical Services, Inc., in the Amount of \$33,910.00, Using Miami-Dade County Contract # 4227-2/07 (Discussed: 6/12/06)

Council **tabled** the item until the July 10, 2006 Special Meeting.

10. New Business:

10A) Appointment to the Civil Service Board by Vice Mayor Garcia (Group III) for a Full 3-year Term Ending on June 30, 2009

Vice Mayor Garcia **deferred** his appointment to the Civil Service Board.

10B) Waiver of Plat – Case # 03-ZP-06, Mark Gonzalez, 2 Hough Drive, R-1C Single Family Residential, Lot Size 150' x 93'

City Planner Richard Ventura stated that the property owner at 2 Hough Drive is requesting approval for a proposed waiver of plat in order to divide the existing 150-foot lot into two legal size lots of 75-feet each. The original lot size is 13,950 square feet and the proposal received a unanimous recommendation for approval at the June 5, 2006 Zoning and Planning Board hearing.

City Planner Ventura stated that the initial letter dated April 28, 2006 from the City's consulting engineers, Post, Buckley, Schuh and Jernigan, addressed comments to be addressed by Mr. Gonzalez.

Mr. Ventura said that the second letter is from Mr. Gonzalez to PBS&J in regard to a question regarding the square footage of the new homes to be constructed on the new lots, and the third document is an e-mail from Doug Dean at PBS&J requesting that the legal description be revised as indicated, and also a stipulation that the surveyor agrees to place monuments on the ground dividing parcels A and B.

City Planner Ventura stated that a subsequent letter was submitted by the surveyor agreeing to place the monuments on the ground dividing the parcels and all conditions for final approval have been met by the applicant and the surveyor; therefore Staff recommends final approval of the waiver of plat for 2 Hough Drive.

Councilman Youngs moved to approve the waiver of plat, subject to the placement of the monuments on the ground dividing Parcels A and B and the approval of the Miami-Dade County Plat Committee. Councilman Best seconded the motion, which was carried unanimously on roll call vote.

10C) Appointment of Official Voting Delegate to the 80th Florida League of Cities Annual Convention and Confirmation of Attendance by Council Members

City Manager Borgmann stated that the 80th Florida League of Cities Annual Conference is being held in Jacksonville, Florida on August 10 through August 12, 2006. He said that one Council member must be designated as the official voting delegate.

Vice Mayor Garcia said that since Councilman Best did an excellent job the last time he would like him to continue to serve as the official voting delegate.

Vice Mayor Garcia moved to appoint Councilman Best as the official voting delegate and Councilman Dotson seconded the motion, which was carried unanimously on roll call vote.

10D) Discussion Regarding Ad Valorem Tax Benefits (Requested by Councilman Dotson)

City Manager Borgmann stated that Councilman Dotson requested this item be placed on the agenda. He referred to a letter from the County announcing the total assessed value for the upcoming fiscal year, in the amount of \$1,020,000,000, which is an 11.7% increase over last year.

Councilman Dotson stated that when the tax rate is set on July 27, 2006 it would be a maximum rate. He believes that Council should, and can, give a significant tax relief to the residents. He added that significant increases have been approved in the fees for the garbage, water and sewer charges and this adds to the pressure many people experience considering the increases in taxes, insurance, electricity and gasoline. Many young families are struggling with all the expenses they face, while many retirees that are on fixed incomes are also struggling.

Councilman Dotson explained that in the 1990's, the millage rate was in the 6.000 mill range and a steady increase in the rate began with the purchase of the Golf Course in 1997, until it reached the 8.0 mill range. After losses of more than \$3MM at the Golf Course, it appears that there are controls in place that will now provide a break even or possibly a profit operation. He said that it is time to give the money that was needed to subsidize the Golf Course back to the people.

More than \$900,000 was spent to subsidize changes that will bring the Golf Course to a profitable operation, and since these funds will not be needed this year it should be a basis for a tax cut, according to Councilman Dotson. He said that the 17% increase in property assessments last year and the 11.7% increase to be applied in the next fiscal year should also be considered. Councilman Dotson added that there is a reserve of \$3.1MM through the second quarter of this fiscal year.

Councilman Dotson asked Council to treat the people fairly by giving money back that is not required for the operation of a high level of service that the City provides. More emphasis should be placed on the efficient management of the City and the tax rate is one important indicator as to how well the City is managed. He believes that the millage rate should be reduced by 8/10 of a mill, which is a 10% reduction.

10E) Discussion Regarding Code Revisions Proposed by the Board of Adjustment at their Meeting of June 5, 2006

City Attorney Seiden reviewed the code revisions proposed by the City Board of Adjustment at their meeting of June 5, 2006.

Council **directed** the City Attorney to prepare the draft ordinances for the following Code revisions as proposed by the Board of Adjustment:

1. Code Sections 150-041, 150-042, 150-043 and 150-044; eliminating the requirement for an additional two and one-half (2.5) feet of side yard setback for second story additions for side yard areas of two-story structures that abut streets and provide the already required side yard setback.
2. Code Section 150-002 (79); provide an exception to the requirement that all air conditioning or heating units for newly constructed homes are to be placed in the rear yard for houses that could place new units in the side yard areas of their property which abut streets.
3. Code Section 150-010; to provide an exception to allow flat roofs on “open patios” which constitute non-living space areas and which the owner agrees (by way of covenant) will never be enclosed to constitute “living space”.

10F) Appointment to the Ecology Board by Councilman Youngs (Group IV) to Fill an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson

Councilman Youngs (Group IV) **deferred** his appointment to the Ecology Board.

10G) Request Council Approval of a Document Imaging System in the Amount of \$45,845.00 Covering Software and Hardware for Purchase in this Fiscal Year (FY05-06); and an Additional \$17,000 Software in the Upcoming Fiscal Year (FY06-07) Plus Annual Maintenance Costs in the Amount of \$6,200

City Manager Borgmann stated that Council approved \$40,000 in this year’s budget to purchase a document imaging system for the City that would be able to digitize many documents and provide for easy retrieval.

City Manager Borgmann said that Assistant City Manager Gorland was assigned the task of heading a committee to look at the needs of every City department. When the study was completed, all the information was compiled and used to design a Request for Proposals (RFP).

City Manager Borgmann referred to the results of the first round of responses to the RFP, which were far in excess of \$40,000. He explained that consideration was given to reducing the number of licenses the City would have or the number of computers that would have access to the software for the system and there were only two valid proposals after the City requested a cost reduction.

Assistant City Manager Gorland stated that the recommendation that was made in the memorandum of June 22, 2006, was revised to \$65,845, which is the lowest response to the RFP, versus \$71,923 from MCCI. He said that the City has an archaic system that has resulted in many problems in various communities during the hurricanes because many documents were lost.

Mr. Gorland explained that document imaging would involve on-site storage using digitized formats, as well as off-site storage to protect the records if something were to happen at City Hall. He added that the cost was reduced as low as possible and the system would bring the City up to date with the technology that has been used by the Police Department for the last seven years.

City Manager Gorland stated that the review committee recommends Advance Processing Imaging (API) because their quote was the lowest for five licenses, in the amount of \$65,845, which is the preferred vendor for H.T.E., the City's financial system. He explained that the expense would be spread over two budget periods.

City Manager Borgmann clarified that the Administration is requesting approval of the system for a total cost of \$65,845, but only \$45,000 would be spent in this fiscal year. He explained that the company has agreed to defer part of the payment until after October 1, 2006.

City Manager Gorland stated that Council would be making a commitment to include the additional funds in the next fiscal year's budget in order to complete the system.

Councilman Best moved to approve and Councilman Youngs seconded the motion, which carried 5-0 on roll call vote.

10H) Resolution – A Resolution of the City Council of the City of Miami Springs Urging Miami-Dade County to Assume Ownership of the Water and Sewer Systems in Miami Springs; Effective Date

City Attorney Seiden read the resolution by title.

City Manager Borgmann stated that a letter was received in response to Council's encouragement to enter into negotiations with the County to assume ownership of the water and sewer systems. One stipulation of the County is for the City to adopt a resolution stating the desire for the take over of the systems.

City Attorney Seiden referred to Section 1, which reads: *“That the City Council of the City Miami Springs confirms its desire and intention to relinquish ownership and control of the City’s Water and Sewer System to the Miami-Dade County Water and Sewer Department upon mutual agreement of all appropriate terms and conditions required to facilitate the transfer of the System”*.

Vice Mayor Garcia moved to adopt the resolution and Councilman Dotson seconded the motion, which was unanimously carried on roll call vote (Resolution No. 2006-3319).

Mayor Bain reminded the City Manager that Council is waiting for the engineering report providing the status of the sewer system, as well as the financial report for the last two years.

City Manager Borgmann explained that the financial reports are ready and that Post, Buckley, Schuh and Jernigan, Inc. would be providing the engineering report.

11. Other Business:

11A) Scheduling of Budget Workshops on Tuesday, August 8, and Monday, August 21, 2006 at 7:30 p.m.

Council **scheduled** Budget Workshop meetings for Tuesday, August 8 and Monday, August 21, 2006 at 7:30 p.m.

12. Reports and Recommendations

12A) City Attorney

No report.

12B) City Manager

Council Projectors

City Manager Borgmann stated that the installation of the wireless Council projectors in the Chambers should be ready for the August meetings. He explained that there are two screens so that the audience and those who watch the meetings on cable will be able to see the presentations.

Fourth of July Parade

The City Manager asked Council to confirm their participation in the Fourth of July Parade, and they all agreed to attend.

Classic Car Show

City Manager Borgmann announced that as part of the Fourth of July activities, a car show will be held on Monday, July 3rd from 6:30 to 10:30 p.m. at the Circle.

Plover Avenue Drainage Project

City Manager Borgmann distributed a calendar of the progress of the Plover Avenue drainage project that should be completed by the end of July. The process is going much smoother and progress is being made.

National Incident Management System (NIMS)

City Manager Borgmann reminded Council that everyone needs to take the test for the National Incident Management System (NIMS) in order for the City to be eligible for federal emergency funding.

Fourth of July Activities

City Manager Borgmann stated that the Fourth of July Parade begins at 10:00 a.m. in front of the Recreation Center and ends at the Golf Course where many activities and games are scheduled for the kids, including a rock climbing wall, bounce houses and water slides. The annual Baby Contest will follow the parade at 1:45 p.m. and festivities continue with food and live entertainment at 6:00 p.m., followed by the fireworks at 9:00 p.m. He added that the festivities are posted on the community bulletin board on Cable Channel 77 and were in the last two Gazettes.

Downtown Parking

City Manager Borgmann reported that options for additional Downtown parking would be provided to Council at the next meeting. One site for consideration is the median in the first block of Curtiss Parkway from the Circle to the monument that would provide 25 to 35 spaces.

Mayor Bain recalled that a parking plan was designed under the administration of former City Manager Maria Davis. He asked City Manager Borgmann to do research to see if he could find anything.

Park Restrooms

City Manager Borgmann announced that the Request for Proposals (RFP) for the Dove Avenue and Stafford Park restrooms are due on July 5th, and he hopes to schedule an agenda item for Council to consider at the July 10, 2006 Special Meeting.

Recreation Center 50-year Recertification

City Manager Borgmann stated that quotes would be obtained for the 50-year recertification of the gym and pool facility, which is mandated by law.

Golf Course Bridge

City Manager Borgmann stated that at the Golf and Country Club Advisory Board meeting a request was made that the Administration should consider adding a fourth bridge for safety purposes. He explained that the four bridges were replaced with three during a stormwater project to improve the flow of the canal, paid for by FEMA and the County. The City share was approximately \$400,000.

Mr. Borgmann referred to an excerpt of the Golf and Country Club Advisory Board minutes when a motion was passed to recommend that Council move ahead with the bridge project at the fourteenth fairway and for the Administration to go out for quotes as soon as possible.

Councilman Dotson stated that it is clearly a safety issue and he is very familiar with the two holes that are involved. He added that research through the internet was done to find companies who do that type of work.

City Manager Borgmann cautioned advisory boards about doing their own research to obtain pricing because it could taint the formal bidding process.

By consensus, Council gave direction to the Administration to obtain information for adding a fourth bridge for consideration during the budget process.

Family Night

City Manager Borgmann announced that a Family Night and movie would be held on Wednesday, June 28th at the pool.

Memorial Monument

City Manager Borgmann reported that the memorial monument is under construction at the end of the bike path in the median on Curtiss Parkway between the Suntrust Bank and Papa John's Pizza, as recommended by the Memorial Committee and approved by Council.

12C) City Council

Citizen Complaint

Councilman Dotson referred to a letter from Chris Braden complaining about the overgrown tree in the vacant lot behind her house on Raven Avenue.

The City Manager stated that the Administration looked into the complaint from Ms. Braden and there is not much that can be done about the tree, but the owner can be cited for the overgrown lot.

Mayor Bain said that he visited Ms. Braden and the tree is on a non-conforming lot.

City Manager Borgmann added that Ms. Braden's letter mentioned that there are many raccoons and opossums. He explained that the animals were displaced when the pine trees were removed along the canal banks and because of the work at the clay pit. He said that there is not much that the City can do to assist with the problem.

Mayor Bain suggested that the Administration could contact the owner of the vacant lot to ask for cooperation in trimming the tree.

Handicap Pool Equipment

Councilman Dotson asked about the status of the handicap pool equipment that allows entry into the pool that was approved with the funds from the disabled parking fines.

City Manager Borgmann offered to follow up to make sure that the equipment was ordered and delivered. He added that the County is going to provide an additional \$2,500 this year and he asked Karen Rosson to schedule a meeting of the Disability Advisory Board.

Royal Poinciana Inn

Councilman Dotson asked the City Manager if he obtained information in order to answer the e-mail requests from citizens regarding the footprint of the Royal Poinciana Inn (Aladdin Hotel) at 901 South Royal Poinciana Boulevard.

City Manager Borgmann stated that the building permits were issued prior to the current administration and he is not aware of anything that was changed to prohibit the use. He said that there is a possibility that it was issued with the understanding that it was under the B-1 or B-2 districts and it is actually part of the Airport, Marine, Highway Business district as redefined. The footprint is different because the old one had a north/south orientation and this one has an east/west orientation.

City Attorney Seiden said that it is clearly not the same footprint and never was intended to be. The site plan was approved by Council for a different footprint. The person who is requesting the information is confusing the approval that was granted for the auto leasing place. Post Buckley reviewed the project for site plan approval and made recommendations for a B-1 district use, which can be verified through the records.

Councilman Dotson said that the idea got started because the district boundary regulations were not in place for the Airport, Marine, Highway Business district and the citizens feel that the construction should not have been approved.

City Attorney Seiden stated that the records may show that the site plan was approved as a B-1, B-2 or B-3 use. He added that the City could not have approved building permits without the regulations in place. Attorney Seiden said that former City Planner Steve Johnson had discussions with the property owners for many years in advance to dissuade them from building and the final decisions were made in the Planning and Building Departments. He reiterated that Post Buckley performed and approved the site plan and it must have been done under the basis of some regulations.

Councilman Dotson added that many citizens who live in the east side of the City are very upset because there are ongoing problems with the apartments, noise, vandalism and cars parking in the swale. He would like to have more information in order to respond to the citizens' questions.

Councilman Youngs said that he served on Council when the site plan was approved and everything possible was done to deny the request but there was nothing illegal and the City could have faced a lawsuit.

Attorney Seiden explained that the City could have been sued if the site plan approval was turned down based upon usage.

Councilman Dotson reiterated that he would like to know if the site plan was approved under B-1 or B-2 zoning regulations.

Further discussion ensued regarding the footprint of the building and the basis for approval of the site plan.

City Manager Borgmann offered to provide a report at the next meeting. In response to Vice Mayor Garcia, the City Manager will provide a copy of the e-mail from Owen Gay.

Golf and Country Club Advisory Board

Councilman Dotson said that he had hoped to have a more productive meeting at the last Golf and Country Club Advisory Board meeting but it was not possible without the presence of Golf Director Mike Aldridge.

Councilman Dotson felt that it is important to re-emphasize the function of the Board and Mr. Aldridge expressed some problems with the board members getting off the “reservation”.

Councilman Dotson said that if there are problems, they should be brought out in the open so that they can be dealt with because the board members have worked very hard and the board is very valuable. He explained that the members want to emphasize that they are not managing the Golf Course, they have every intention to cooperate and it would be appropriate for the Administration to outline some problems they feel exist.

City Manager Borgmann stated that he had drafted a memorandum to Council regarding the matter. He explained that the City Charter states that the City Manager is responsible for the day-to-day operations of the City and the advisory board members should not have discussions with individual staff members about what should be done at the Golf Course.

Mr. Borgmann explained that the advisory boards could make a recommendation to Council with a majority vote at their meetings and the Council Liaison can request the City Manager to schedule an agenda item for consideration.

Councilman Dotson felt that the error was made by trying to communicate and the board members did not intend to cross the line. He reiterated that it is valuable for Golf Director Aldridge to be present at the Golf and Country Club Advisory Board meetings.

City Manager Borgmann clarified that the previous meetings had been attended by a staff member and the last agenda did not indicate that there were any items that would have an impact or need staff input. He explained that the City Attorney and Assistant City Manager listened to the meeting tape and he is in the process of listening and much of the discussion strayed away from the agenda items, and there were comments that the minutes were being censored, which appear to reflect negatively on the City.

Mr. Borgmann said that his secretary spends hours listening to the meeting tapes in order to record all the pertinent information related to the discussion at hand and extraneous comments might not always get on the record. He added that the Golf and Country Club advisory board meetings are sometimes as long as the Council meetings.

To answer Vice Mayor Garcia’s question, the City Manager confirmed that the comments about the minutes were made by board member Noel Pereda.

Councilman Dotson said that he did not want to have a big discussion about minutes although he is not so happy with the Council minutes and he never has been since he has served on Council, but he thought there were more important things to deal with and he has expressed his thinking and problems to City Clerk Magali Valls from time to time, whom he respects very much and she does a very good job. He felt that some of the minutes are excerpts.

Councilman Dotson asked the City Manager to provide the outline of the problems so that he can work to try to resolve them without destroying the enthusiasm and morale of the Board.

City Manager Borgmann stated that the memo makes it clear that he wants and needs the input from the Board because it can be very productive, but they are beginning to cross the line.

Councilman Dotson reiterated that the Golf Director should be present at the meetings the same as Dan Bradley was in the past.

Assistant City Manager Gorland stated that he made the decision that Mr. Aldridge did not have to attend because he lost his morning employee and he had to be at the Golf Course at 6:00 every morning. At that time, he was the Acting as City Manager, Assistant City Manager and Finance Director and since the agenda only included two items, which were the placement of tees and other business, he decided not to attend because he had too many things to do, plus he was working on a special project for the Recreation Center.

Mr. Gorland said that the issues are important and they have to be resolved, and unless there is some extraordinary circumstance a staff member will be at the meetings.

City Attorney Seiden said that he wrote a memo to the Golf and Country Club Advisory Board members about a meeting that they wanted to hold next month and he is advising them not to hold the meeting in the way that they wanted to have it outside of the Council Chambers.

Councilman Best said that he reads all the advisory board minutes and he asks all his appointees to feed him all the information that comes from the meetings. He cautions all his appointees not to go directly to the directors, the City Manager or the Administration.

City Manager Borgmann said that the advisory boards make recommendations to Council for their consideration and if they approve, the Council members can ask him to take care of them.

Councilman Best agreed with Councilman Dotson that some form of representation should be at the Golf and Country Club Advisory Board meetings, but under the circumstances he can appreciate why they were not present.

Handicap Equipment

Councilman Dotson said that he spoke with Disability Advisory Board member Joan Paul before the meeting and the equipment is right on the horizon and the board will convene.

C-41 Borrow Canal

Councilman Best asked City Manager Borgmann if he had a chance to speak with DERM about the clean up of the C-41 borrow canal.

Mr. Borgmann stated that there had been an ongoing problem with Florida East Coast (FEC) railroad to maintain the canal. He said that DERM plans to clean the canal and send a bill to the railroad.

Hedges

Councilman Best said that the Sunshine Law does not allow Council to discuss issues except during public meetings and that is why there is so much discussion and so many thoughts exchanged. He explained that sometimes the process is lengthy and even though decisions are not made, the issues are tabled and unfortunately the hedge issue is going to be extended a little longer, but there is evidence that people would like the ordinance more liberalized than the current form.

Compliment

Councilman Best complimented Assistant City Manager Gorland for doing an excellent job when the City Manager was out of town.

Water and Sewer System

Councilman Best thanked Councilman Dotson for initiating the possibility of Miami-Dade County taking over the City's water and sewer system.

Fourth of July Parade

Councilman Best urged everyone to attend the Fourth of July Parade and to have a good time.

Fourth of July Events

Vice Mayor Garcia asked the City Manager to publish the list of Fourth of July activities in the River Cities Gazette.

Publication of Special Events

Vice Mayor Garcia said that he would like the City to market and publish more information on special events because the information is only distributed at the Recreation Center and the public schools, and some residents do not attend the local schools.

Tree Brochure

Vice Mayor Garcia stated that last year a brochure on the proper trimming and care for trees was distributed in English to all residents and he requested that it be distributed in Spanish, which has not happened.

Disaster Preparedness Guide

Vice Mayor Garcia said that he received the Disaster Preparedness Guide in English and that it should be translated and distributed in Spanish since more than 70% of the population is Hispanic.

Sidewalks

Vice Mayor Garcia said that some properties do not have sidewalks, which is one issue with the hedge ordinance and he would like the City Manager to look into the possibility of installing sidewalks.

City Manager Borgmann said that some subdivisions were developed without sidewalks, although he does not know the percentage. In past years, the goal was to repair the existing sidewalks before entering into any additional sidewalk programs. He suggested that the Administration could look into the possibility of installing sidewalks with the proceeds of the Local Option Gas Tax and Citizens Independent Transportation Trust funds.

Ludlam Road Bike Path Lighting

Vice Mayor Garcia asked the City Manager to provide an update on the lighting of the bike path on Ludlam Road.

City Manager Borgmann stated that the work order was turned in to Florida Power and Light and that he would follow up to find out the status of the project.

Curtiss Parkway Bike Path Lighting

Vice Mayor Garcia asked the City Manager to look into the possibility of extending the bike path lighting on Curtiss Parkway to the full length of the park.

Mr. Borgmann said that the lighting plan is in place and the installation is only a matter of receiving the funds.

Debris Removal Contract

Vice Mayor Garcia inquired about the status of the debris removal contract.

Assistant City Manager Gorland stated that a committee is reviewing the Request for Proposals (RFP) responses, there were some problems, and they should have a recommendation within the next week or two. One of the firms who responded had contracts with other cities and they never showed up when it was time to position their equipment before the hurricane so they were disqualified and it leaves only two firms that are expensive.

Further discussion ensued regarding the responses to the Request for Proposals for debris removal.

City Manager Borgmann recommended that Council should not ask questions or get involved during the bidding process.

Vice Mayor Garcia asked if the list of the six companies and those that were disqualified was public record or not.

City Attorney Seiden stated because there is a “cone of silence” with all bids and purchasing until a recommendation is made by the Administration, it is not proper for Council to discuss which companies submitted bids or did not have bonds. The recommendation from the Administration is forthcoming and at that time Council will be provided with all the information.

Summer Vacation

Vice Mayor Garcia urged everyone to enjoy the summer and to wear a sun block of SPF of 30 or higher.

Scoops Ice Cream Shop

Vice Mayor Garcia reported that Scoops Ice Cream Shop would open during July, which is designated as the official ice cream month.

Fourth of July

Mayor Bain wished everyone a great Fourth of July and looks forward to seeing everyone at the parade. He recommended that Council should have plenty of candy for everyone.

The City Manager added that bottled water would be provided and everyone should leave their personal fireworks at home.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 11:00 p.m.

Billy Bain
Mayor

ATTEST:

Suzanne Hitaffer
Deputy City Clerk

Approved as written during meeting of: 8/14/2006

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.